## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

ALEXANDER OTIS MATTHEWS	) ) )	
Plaintiff, v.	)	Civil Action No. 1:14-cv-207 Hon. Liam O'Grady Hon. Michael Nachmanoff
ESTRATEGIA INVESTIMENTOS, S.A., et al.,	) )	
Defendants.	) _) )	

## **ORDER**

This matter comes before the Court on Plaintiff's Motion Requesting the Court to take Judicial Notice and for Additional Relief. (Dkt. No. 39). Plaintiff submits a new legal theory of damages entitling him to joint and several relief from the Defendants Centrum Bank and Estrategia Investimentos, S.A. in the amount of \$88,000,000 USD. Plaintiff asks the Court to take notice of the legal theory supporting this damages claim and to provide the relief requested.

A federal court may take judicial notice of adjudicative facts. Fed. R. Evid. 201(a). "That said, an adjudicative fact may only be noticed if it is indisputable[.]" Wireless Buybacks, LLC v. Hanover Am. Ins. Co., 223 F. Supp. 3d 443, 451 (D. Md. 2016) (citing Nolte v. Capital One Fin. Corp., 390 F.3d 311, 317 n.\* (4th Cir. 2004)). At this stage of the proceedings, there has been no consideration of the merits of Plaintiff's legal theory of damages. Though Plaintiff purports to have identified cases supporting his legal theory, legal arguments are not adjudicative facts. See, e.g., id.

Accordingly, Plaintiff's Motion is **GRANTED IN PART AND DENIED IN PART.**The Court **DENIES** Plaintiff's Motion for the Court to take judicial notice of Plaintiff's theory

of relief but the Court construes the remainder of the Motion as a request to amend the Amended Complaint to assert a damages claim for \$88,000,000 USD. The amendment is **GRANTED** and the demand for damages against Centrum Bank and Estrategia Investimentos, S.A., shall be updated accordingly. The Clerk of Court is instructed to provide for the service of this Order and a copy of Plaintiff's Motion, and any translations of those documents as necessary, to Defendants Centrum Bank and Estrategia Investimentos, S.A., pursuant to the Court's previous orders. Dkt. Nos. 9, 26, 35. Plaintiff is responsible for effecting service of the Motion on all other Defendants and for submitting certificates of service as to those Defendants to the Clerk of Court.

It is **SO ORDERED**.

July , 2017 Alexandria, Virginia Liam O'Grady United States District Judge